

REMARKS

Claims 13-17 are pending in this application. By this Amendment, claim 13 is amended. Such an amendment is supported in the specification, for example, at least at paragraph [0063]. No new matter is added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action objects to claim 13 asserting that the phrase "film the bottom electrode layer, constituting" should be amended to recite "film, the bottom electrode layer constituting." To obviate this objection, claim 13 is amended as suggested in the Office Action. Thus, Applicants respectfully request that the objection to claim 13 be withdrawn.

The Office Action rejects claims 13-17 under 35 U.S.C. §102(b) as being anticipated by Pinarbasi (U.S. Publication No. 2003/0002229). Applicants respectfully traverse this rejection.

Pinarbasi fails to disclose or suggest a magnetoresistive effective element including a first gap film that is thicker than the magnetic domain controlling layers to suppress the effects of a defective side lobe, as recited in independent claim 13.

Pinarbasi, at paragraph [0038], discloses that an exemplary thickness of a cap layer 224 is 50 angstroms. In paragraph [0035] and Fig. 9, Pinarbasi discloses that the first and second insulation layers 127 and 128 is alumina (Al_2O_3), and covers the first and second side walls 130 and 132 of the sensor. However, Pinarbasi fails to disclose any relationship between the thickness of a cap layer 224 and the insulation layers 127 and 128. Also, Pinarbasi fails to disclose any effects of a defective side lobe.

Thus, Pinarbasi fails to disclose or suggest a magnetoresistive effective element including a first gap film that is thicker than the magnetic domain controlling layers to suppress the effects of a defective side lobe, as recited in independent claim 13.

In accordance with the above remarks, independent claim 13 defines patentable subject matter. Claims 14-17 depend from independent claim 13 and are patentable for the same reasons, as well as for the additional features recited therein. Thus, Applicants respectfully request that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 13-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Request for Continued Examination

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